

PUBLIC HEALTH DEPARTMENT[641]

Adopted and Filed

Rule making related to spouses of active duty service members

The Public Health Department hereby amends Chapter 196, “Military Service and Veteran Reciprocity,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 272C.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 272C.4.

Purpose and Summary

2019 Iowa Acts, House File 288, amended Iowa Code section 272C.4, which governs the duties of boards for establishing procedures to expedite the licensing of individuals who are veterans or actively serving in the military. This change in the Iowa Code directs the Department to establish procedures to expedite the licensing of spouses of active duty members of the military forces in cases in which the spouse is already licensed in another state where the professional and occupational licensing requirements are substantially equivalent to Iowa’s requirements. The amendments meet the requirements of 2019 Iowa Acts, House File 288.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on March 25, 2020, as **ARC 5000C**. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the State Board of Health on May 13, 2020.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to the Department’s waiver and variance provisions contained in 641—Chapter 178.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s

meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on July 22, 2020.

The following rule-making actions are adopted:

ITEM 1. Amend **641—Chapter 196**, title, as follows:
**MILITARY SERVICE, ~~AND~~ VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE DUTY
SERVICE MEMBERS**

ITEM 2. Amend rule 641—196.1(85GA,ch1116), parenthetical implementation statute, as follows:

641—196.1(85GA,~~ch1116~~ 272C) Definitions.

ITEM 3. Adopt the following **new** definition of “Spouse” in rule **641—196.1(85GA,ch1116)**:
“*Spouse*” means a spouse of an active duty member of the military forces of the United States.

ITEM 4. Amend rule 641—196.2(85GA,ch1116), parenthetical implementation statute, as follows:

641—196.2(85GA,~~ch1116~~ 272C) Military education, training, and service credit.

ITEM 5. Amend rule 641—196.3(85GA,ch1116) as follows:

641—196.3(85GA,~~ch1116~~ 272C) Veteran and active duty military spouse reciprocity.

196.3(1) A veteran or spouse with an unrestricted license in another jurisdiction may apply for licensure in Iowa through reciprocity. A veteran or spouse must pass any examinations required for licensure to be eligible for licensure through reciprocity and will be given credit for examinations previously passed when consistent with the licensing authority’s laws and rules on examination requirements. A fully completed application for licensure submitted by a veteran or spouse under this subrule shall be given priority and shall be expedited.

196.3(2) Such an application shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history, and, if applicable, a criminal history background check. The applicant shall use the same forms as any other applicant for licensure by reciprocity and shall additionally provide such documentation as is reasonably needed to verify the applicant’s status as a veteran under Iowa Code section 35.1(2) or a spouse of an active duty member of the military forces of the United States.

196.3(3) Upon receipt of a fully completed licensure application, the licensing authority shall promptly determine if the professional or occupational licensing requirements of the jurisdiction where the veteran or spouse is licensed are substantially equivalent to the licensing requirements in Iowa. The licensing authority shall make this determination based on information supplied by the applicant and such additional information as the licensing authority may acquire from the applicable jurisdiction. As relevant to the license at issue, the licensing authority may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, experience, and examinations required for licensure.

196.3(4) The licensing authority shall promptly grant a license to the veteran or spouse if the ~~veteran~~ applicant is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to those required in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant’s disciplinary or criminal background.

196.3(5) If the licensing authority determines that the licensure requirements in the jurisdiction in which the veteran or spouse is licensed are not substantially equivalent to those required in Iowa, the licensing authority shall promptly inform the ~~veteran~~ applicant of the additional experience, education, or examinations required for licensure in Iowa. Unless the applicant is ineligible for licensure based on

other grounds, such as disciplinary or criminal background, or the issuance of a provisional license is inconsistent with the licensing authority's enabling statute, the following shall apply:

a. If a ~~veteran~~ applicant has not passed the required examination(s) for licensure, the ~~veteran applicant~~ may not be issued a provisional license but may request that the licensure application be placed in pending status for up to one year or as mutually agreed to provide the ~~veteran applicant~~ with the opportunity to satisfy the examination requirements.

b. If additional experience or education is required for the applicant's qualifications to be considered substantially equivalent, the applicant may request that the licensing authority issue a provisional license for a specified period of time during which the applicant will successfully complete the necessary experience or education. The licensing authority shall issue a provisional license for a specified period of time upon such conditions as the licensing authority deems reasonably necessary to protect the health, welfare or safety of the public unless the licensing authority determines that the deficiency is of a character that the public health, welfare or safety will be adversely affected if a provisional license is granted.

c. If a request for a provisional license is denied, the licensing authority shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a provisional license.

d. If a provisional license is issued, the application for full licensure shall be placed in pending status until the necessary experience or education has been successfully completed or the provisional license expires, whichever occurs first. The licensing authority may extend a provisional license on a case-by-case basis for good cause.

196.3(6) A veteran or spouse who is aggrieved by the licensing authority's decision to deny an application for a reciprocal license or a provisional license or is aggrieved by the terms under which a provisional license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the licensing authority's decision. The provisions of 641—Chapter 173 shall apply, except that no fees or costs shall be assessed against the ~~veteran applicant~~ in connection with a contested case conducted pursuant to this subrule.

ITEM 6. Amend **641—Chapter 196**, implementation sentence, as follows:

These rules are intended to implement 2014 Iowa Acts, ~~chapter 1116, section 34~~ Iowa Code section 272C.4.

[Filed 5/14/20, effective 7/22/20]

[Published 6/17/20]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 6/17/20.